IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 12TH SEPTEMBER 2007 / 21ST BHADRA 1929

WP(C).No. 4913 of 2007(I)

PETITIONER:

K.M.KOCHUNNI, S/O. KIZHAKKEVELI
MUHAMMEDKUNJU, NEST, THRICHATTUKULAM P.O.,
PANAVALLY, CHERTHALA, ALAPPUZHA DISTRICT,
(RTD. ADDL. DIRECTOR OF AGRICULTURE, DIRECTORATE
OF AGRICULTURE, THIRUVANANTHAPURAM.)

BY ADV. SRI.S.SUBHASH CHAND

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY (FINANCE),
FINANCE(PENSION B) DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE ACCOUNTANT GENERAL (A & E),
KERALA, OFFICE OF THE ACCOUNTANT GENERAL (A & E),
KERALA, THIRUVANANTHAPURAM.

3. THE SUB TREASURY OFFICER,
SUB TREASURY, POOCHAKKAL.

BY ADV. SRI. MANOJ KUMAR, SPL. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/09/2007, ALONG WITH W.P.(C) NOS. 4985/2007 & 4934/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI , J

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W.P.(C) NOS. 4913, 4934 & 4895 OF 2007

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Dated this the 12th day of September, 2007.

JUDGMENT

Common orders involved in these writ petitions. Therefore, I dispose of by a common judgment. The petitioner in W.P.(C) No. 4913/2007 retired on 31.05.1993 from the post of Additional Director of Agriculture. The petitioner in W.P.(C) No. 4934/2007 retired on 30.09.1991 from the same post and the petitioner in W.P.(C) No. 4895/2007 retired on 30.06.1993 also from the post of Additional Director of Agriculture.

2. By Ext.P1 order the Government, while issuing orders consequent to revision of existing scale of pay and pension further directed that in respect of those who retired/expired prior to 01.07.2004, the pension shall be revised from 01.04.2005 in accordance with the principles laid down therein. Further directions as regards the mode of revision and payment of pension enabling the revision to be effectuated are also stipulated therein. The writ petitioners approached this Court essentially with a grievance that notwithstanding Ext.P1, revised pension has

not been disbursed to them. Ext.P4 application seeking the same is still pending.

3. Counter affidavits have been filed in all these cases. Paragraphs 9 and 10 of the said counter affidavit are extracted hereunder.

> "As submitted above the revision of around 3.5 lakh pensioners on the basis of one rank one pension is an Herculean task. The process of revision is not easy as sought to be made out by the petitioner. It is in fact very complicated and no other agency except this office can do the work. Treasuries and Banks do not have the necessary materials for revising the pension. If the work of revision are entrusted with the treasuries and banks, different treasuries will adopt different methods for revision thereby creating gross anomalies in the revision. There will not be uniformity in the matter of revision and it will create administrative chaos. Ultimately it will delay the entire process. The Government after considering all the above aspects in the correct perspective have decided to entrust the matter of revision to this office and the said decision is perfectly justified on all counts.
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> It is respectfully submitted that the time sought for upto 31.12.2007 to complete the entire process is the barest minimum required under the existing circumstances."

Thus, there does not seem to be any dispute regarding the petitioner's eligibility for revised pension. The Government

essentially pleads administrative delay in processing all the applications for revised pension in relation to approximately 3.5 lakhs pensioners.

4. I have heard the learned counsel for the petitioner and the learned Special Government Pleader as well.

5. In the light of the stand taken in the counter affidavit, I am of the view that the writ petitions can be disposed of directing the Government to complete the process of revision of the pension admissible to the petitioners in terms of Ext.P1 Government Order by 31.12.2007. It shall be so done. The revised pension will be paid from the month following the month when revision is finalised and the arrears from 01.04.2005 shall be paid within three months thereafter.

The writ petition is disposed of accordingly.

V. GIRI, JUDGE.

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